

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

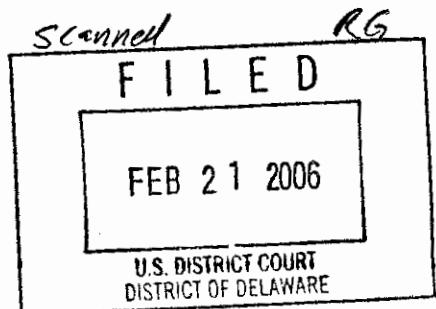
Cathy D. Brooks-McCollum  
& On behalf of  
Emerald Ridge Service Corporation Derivative Action  
As a Director  
PO Box 12166  
Wilmington, DE 19850  
(302) 521-1241  
**(PLAINTIFF)**

vs.

State Farm Insurance Company  
**(DEFENDANTS)**

CIVIL ACTION NO: 04-419 (JJF)

JURY TRIAL REQUESTED



**MOTION TO PAY COSTS TO DATE**

Should this court refuse to rule upon Summary Judgment and bound State Farm to the decision of the lower Chancery Court For The State Of Delaware made against other parties Plaintiffs hereby petition this court to award costs to date, since they would not be deemed Advancement of funds.

The Chancery Court For The State Of Delaware agreed that Plaintiff was indeed a Director of the Emerald Ridge Service Corporation. The Supreme Court Of Delaware ruled in 396, 2004 (footnote 2), that at all times relevant Plaintiff Brooks-McCollum herself was a Director. The arguments made by Defendants in these proceedings and that of the others in the state proceedings was whether or not Plaintiff was a valid Director, and that she did not take an undertaking that if it were ruled otherwise she would reimburse the funds advanced. Since that is not an argument that can be made and the other parties did not appeal the decision of the Supreme Court of Delaware in 396, 2004, it is clear that Plaintiff was and has brought these proceedings a part of her role as a Director of Emerald Ridge Service Corporation.

In light of this, and this court not ruling upon paying the indemnification pursuant the Corporations insurance policy, Plaintiff respectfully asks that this court rule that Defendants pay costs expended to date, where Plaintiffs will submit a fully copy of the costs to the court upon its' request. This cannot and does not in anyway

change the lower courts ruling regarding advancement of funds, since the funds have been paid, and this would merely be deemed payment of funds already expended.

Plaintiff further asks that this court set a schedule at which interval during proceeding defendant State Farm should be required to reimburse Plaintiffs for funds surrounding any case associated with this case, should the parties not be able to reach an amicable settlement between themselves.

Based on the foregoing reasons Plaintiffs is not and has not asked this court to rule upon advancement, but to merely rule upon paying costs expended to date, and to set a schedule at what intervals in the proceedings other costs expended should be reimbursed pursuant the State Farm Insurance Policy. Wherefore, it is Plaintiffs belief that this would be some form of justice and not allows Defendants to hide behind their responsibility as an insured.

Submitted,



Cathy D. Brooks-McCollum  
PO Box 12166  
Wilmington, DE 19850

February 17, 2006

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Cathy D. Brooks-McCollum  
& On behalf of  
Emerald Ridge Service Corporation Derivative Action  
As a Director  
115 Emerald Ridge Drive  
Bear, DE 19701  
(302) 832-2694  
**(PLAINTIFF)**

**CIVIL ACTION NO: 04-419 (JJF)**  
**JURY TRIAL REQUESTED**

vs.

State Farm Insurance Company  
**(DEFENDANTS)**

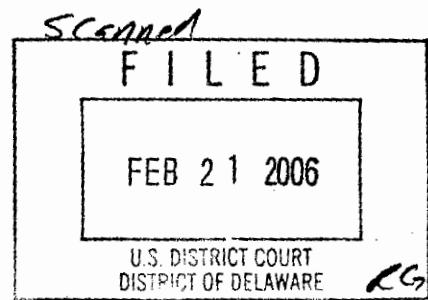
**PROOF OF SERVICE**

I Cathy D. Brooks-McCollum hereby certify that on the 17<sup>th</sup> day of February 2006, I will and have caused to be served a true and correct copy of the foregoing Motion regular postage mail, postage prepaid and facsimile upon defendants:

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For The District of Delaware  
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Wilmington, DE 19801-3319

